

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHASE BANK USA, N.A.,

Plaintiff,

vs.

NAES, INC., et al.,

Defendants.

Case No. 2:07-cv-00975-ECR-GWF

ORDER

This matter is before the Court on the Order to Show Cause (#36) directing Defendant NAES, Inc. to show cause, in writing, no later than April 24, 2008, why sanctions should not be imposed for the failure to comply with this Court's prior order that if Defendant corporation intended to continue to defend this matter, it was required to obtain legal counsel. To date, no response has been filed.

Accordingly,

RECOMMENDATION

IT IS RECOMMENDED that Defendant NAES, Inc.'s Answer should be **stricken** and its default entered in this case in favor of Plaintiff and against Defendant NAES, Inc.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues

1 from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED this 2nd day of May, 2008.

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6 GEORGE FOLEY, JR.
7 United States Magistrate Judge
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